

STUDENT DRUG TESTING BEST PRACTICE CRITERIA FOR THE USE OF TITLE IV, SAFE & DRUG FREE SCHOOLS & COMMUNITIES FUNDS

Student drug testing is a controversial issue. It has been found to be an effective method of identifying and referring students who test positive for drugs. It has also been found to be effective in reducing the number of students with drug use infractions at school. Care must be taken that certain students or groups not be discriminated against in the use of drug testing. It has been challenged in the courts on the basis of the *Fourth Amendment to the Constitution's Bill of Rights*:

Fourth Amendment to the Bill of Rights

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

TITLE IV, SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES, NO CHILD LEFT BEHIND ACT

Title IV does allow for the testing of students for illegal drug use consistent with the *Fourth Amendment of the Bill of Rights* under the Authorized Activities in Section 4115 of the *No Child Left Behind Act*.

SEC. 4115 (b) (2) (E) (xiv) AUTHORIZED ACTIVITIES

Title IV Sec. 4115 (a) requires that programs meet the ***Principles of Effectiveness*** and be consistent with the *4th amendment, the testing of a student for illegal drug use or the inspecting of a student's locker for weapons or illegal drugs or drug paraphernalia, including at the request of or with the consent of a parent or legal guardian of the student, if the LEA elects to so test or inspect*

Best practices for student drug testing programming would include (not all-inclusive):

- ? An adequate referral and support system, including a strong Student Assistance Professional (SAP) and/or CARE Team in the school and treatment agencies in the community (or nearby).

- ? Clear policies and protocols regarding student drug testing, parental notification, and student support and consequences as a result of positive drug testing results, reviewed by legal counsel and adopted by the local school board.
- ? Fosters a safe and drug free learning environment that supports academic achievement.
- ? Addresses ATOD (alcohol, tobacco and other drugs) use through a strong, integrated curricular approach.
- ? Prevents or reduces violence; the use, possession and distribution of illegal drugs and delinquency.
- ? Creates a well disciplined environment conducive to learning, which includes consultation between teachers, principals, and other school personnel to identify early warning signs of drug use and violence and to provide behavioral interventions as part of classroom management.
- ? Offers activities to promote the involvement of parents in the activity or program
- ? Promote coordination with community groups and coalitions, and government agencies.
- ? Distribute information about the local educational agency's needs, goals, and programs in regard (to TIV programs).